IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12128 of 2007()

PETITIONER:

ESSAR TOWER INFRASTRUCTURE (P) LTD.,
41/256, C-19, SECOND FLOOR, MATHER SQUARE,
OPP.NORTH RAILWAY STATION, COCHIN-682 018,
REPRESENTED BY EXECUTIVE (SITE ACQUISITIONS &
ADMINISTRATION) MR.RAHUL DAS.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

1.CHENNITHALA-THRIPPERUMTHURA GRAMA
PANCHAYAT, CHENNITHALA P.O., ALLEPPEY DISTRICT
REPRESENTED BY ITS SECRETARY.

2.THE PRESIDENT, CHENNITHALA-
THRIPPERUMTHURA GRAMA PANCHAYAT,
CHENNITHALA P.O., ALLEPPEY DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.12128 of 2007

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Dated: 12th April, 2007

JUDGMENT

Ext.P1 order has been passed by the 2nd respondent who is the President of the 1st respondent-Panchayat rejecting an application submitted by the petitioner-Company for establishment of a BTS Tower within the area of the Panchayat. The reason stated in Ext.P1 is that there is mass protest from the local public. As rightly submitted by Mr.Santhosh Mathew, learned counsel for the petitioner-Company a Division Bench of this court has held in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** (2006(4) KLT 695) that mass appraisal against establishment of BTS Tower cannot by itself be a good ground for rejecting the similar applications. Accordingly, the Writ Petition will stand allowed. Ext.P1 is quashed and the respondents are directed to take a fresh decision on the issue with notice to the petitioner and a representative of anybody who is signatory to any mass petition against the establishment of BTS tower. Decision as directed above will be taken by the respondents at the earliest and at any rate within three weeks of receiving a copy of this judgment. It is needless to mention that decision shall be taken in the light of the Division Bench judgment of this court in **Reliance**

Infocom Ltd.'s case (supra) and any other material which may be placed by the petitioner at the time of consideration.

srd **PIUS C.KURIAKOSE, JUDGE**